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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **BABA, Masaki et al.**

Group Art Unit: 1711

Serial No.: 10/648,489

Examiner: **McClendon, Sanza L.**

Filed: **August 27, 2003**

**P.T.O. Confirmation No.: 4119**

For. **OCULAR LENS MATERIAL**

**SUBMISSION OF TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date: December 20, 2004

Sir:

Submitted herewith for filing in the above-identified application is a Terminal Disclaimer.

Enclosed is our check in the amount of \$130.00 for the required fee.

In the event that any additional fees are due in connection with this paper, please charge our

Deposit Account No. 01-2340. A duplicate of this paper is enclosed.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,  
HANSON & BROOKS, LLP

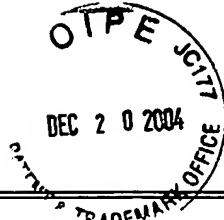
*James E. Armstrong, IV*  
James E. Armstrong, IV  
Attorney for Applicant  
Reg. No. 42,266

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Atty. Docket No. 011552A  
Suite 1000  
1725 K Street, N.W.  
Washington, D.C. 20006  
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PATENT TRADEMARK OFFICE



TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT

Docket Number  
**011552A**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of: **BABA, Masaki et al.**

Group Art Unit: 1711

Serial No.: **10/648,489**

Examiner: **McCLENDON, Sanza L.**

Filed: **August 27, 2003**

P.T.O. Confirmation No.: 4119

For. **Ocular Lens Material**

**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Washington, D. C. 22313-1450

December 20, 2004.

Sir:

The undersigned, **James E. Armstrong, IV**, is attorney of record in the above-identified patent application. The terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,638,991 is hereby disclaimed, except as provided below. It is agreed that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the

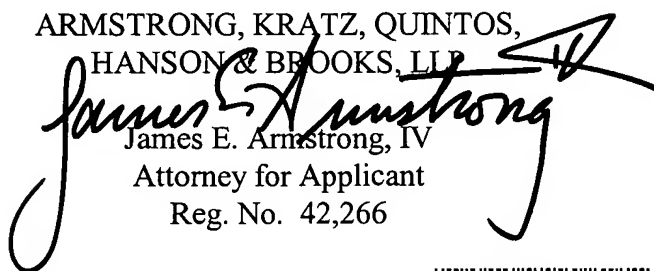
expiration of its full statutory term as presently shortened by any terminal disclaimer.

This disclaimer is submitted on behalf of MENICON Co. Ltd., (Assignee) , a Japanese company, on whose behalf the undersigned is empowered to act, which owns the entire and exclusive right, title and interest to the invention entitled **Ocular Lens Material**, for which the above-identified patent application was filed on **August 27, 2003**, Serial No.10/648,489, and all Letters Patent of the United States to be obtained therefor on said application or any continuation, divisional, substitute, reissue or reexamination thereof for the full term or terms for which the same may be granted, by virtue of an assignment from the inventor(s) of the above-identified patent application. The assignment was recorded in the Patent and Trademark Office at Reel **(012413)**, Frame **(0483)**, or a copy thereof is attached.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,  
HANSON & BROOKS, LLP

  
James E. Armstrong, IV  
Attorney for Applicant  
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Suite 1000  
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PATENT TRADEMARK OFFICE

Date: December 20, 2004

XX Terminal disclaimer fee under 37 CFR 1.20(d) is included.

XX PTO suggested wording for terminal disclaimer was  
XX unchanged.    changed (as described in attached explanation).